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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

FILED

08 MAR 24 AM 10:35

UNITED STATES OF AMERICA,

Magistrate Case No. 08 MJ 0911

Plaintiff,

COMPLAINT FOR VIOLATION OF DEPUTY

v.

Title 8 U.S.C., Sec. 1324 (a)(2)(B)(iii)  
Bringing in Illegal Aliens Without  
Presentation

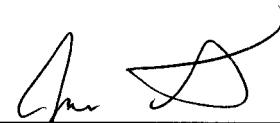
Marcos GUZMAN-Lopez,

Defendant(s)

The undersigned complainant, being duly sworn, states:

On or about **March 21, 2008**, within the Southern District of California, defendant **Marcos GUZMAN-Lopez**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Elcario RUIZ-Hernandez, Julia NAJERA-Rios, Angela NAJERA-Ortiz, and Tomas SANTIAGO-Cruz** had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said aliens and upon arrival did not bring and present said aliens immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.




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 SIGNATURE OF COMPLAINANT  
 James Trombley  
 Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 24th DAY OF MARCH 2008.




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 William McCurine Jr.  
 UNITED STATES MAGISTRATE JUDGE

**CONTINUATION OF COMPLAINT:  
Marcos GUZMAN-Lopez****PROBABLE CAUSE STATEMENT**

I declare under the penalty of perjury that the following statement is true and correct:

Furthermore, the complainant states that **Elcario RUIZ-Hernandez, Julia NAJERA-Rios, Angela NAJERA-Ortiz, and Tomas SANTIAGO-Cruz** are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On March 21, 2008, at approximately 4:00 a.m., Border Patrol Agents J. Sanchez, J. Smith, and K. Ruffner were performing line watch duties on the Otay Mountain in Chula Vista, California. This area is located approximately four miles east and two miles north of the Otay Mesa, California Port of Entry. Agents Sanchez, Smith and Ruffner were working specifically along the Otay Mountain truck trail. This remote area is often used by undocumented aliens to further their illegal entry into the United States by traversing the mountain.

Earlier in the evening, several different electronic intrusion devices in the area of Otay Mountain were activated. Agents Sanchez, Smith and Ruffner responded to the intrusion device and observed a group of thirteen individuals walking through the high brush. Agent Sanchez stayed in the high brush on the north side of the trail and observed an individual later identified as defendant **Marcos GUZMAN-Lopez**, leading the group of twelve. At this point the defendant stopped and signaled to the group with his hand to follow him. As the group dropped down to the trail that the defendant was pointing to, Agent Sanchez approached the group and identified himself as a United States Border Patrol Agent in the Spanish language and instructed the defendant to raise his hands up so that they could be seen.

Agent Sanchez asked the defendant of which country he is a citizen and national. The defendant replied "Mexico." Agent Sanchez also asked the defendant if he had any immigration documents that would allow him to be or remain in the United States legally. The defendant replied "No". Then Agent Sanchez identified himself as United States Border Patrol Agent to the twelve individuals. Agent Sanchez individually asked all twelve individuals of which country they are a citizen and national. All twelve individuals replied "Mexico." Agent Sanchez asked all twelve individuals if they had any immigration documents that would allow them to be or remain in the United States legally. All twelve individuals replied "No."

At approximately 4:15 a.m., Agent Sanchez placed all individuals under arrest and secured them in his Bureau vehicle and transported them to the Chula Vista Border Patrol Station for further processing.

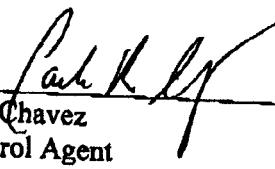
**MATERIAL WITNESSES STATEMENTS:**

Material witnesses **Elcario RUIZ-Hernandez, Julia NAJERA-Rios, Angela NAJERA-Ortiz, and Tomas SANTIAGO-Cruz** agree in summary that they are citizens and nationals of Mexico illegally present in the United States. They admit to entering the United States illegally. They all stated that they were going to pay \$250.00 to be smuggled into the United States. All the material witnesses were shown a photographic line up and were able to identify the defendant **Marcos GUZMAN-Lopez** as the foot guide of the group.

u/McCurdy  
3/22/08, 1335 hrs

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**CONTINUATION OF COMPLAINT:**  
**Marcos GUZMAN-Lopez**

Executed on March 22, 2008 at 9:00 a.m.

  
\_\_\_\_\_  
Carlos R. Chavez  
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 2 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on March 21, 2008, in violation of Title 8, United States Code, Section 1324.

  
\_\_\_\_\_  
William McCurine Jr.  
United States Magistrate Judge

3/22/08, 1335 hrs  
\_\_\_\_\_  
Date/Time